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Attorneys for Plaintiff, CONSTRUCTION LABORERS TRUST FUNDS FOR  
 SOUTHERN CALIFORNIA ADMINISTRATIVE COMPANY, LLC

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CONSTRUCTION LABORERS TRUST FUNDS ]	CASE NUMBER
FOR SOUTHERN CALIFORNIA ]	
ADMINISTRATIVE COMPANY, a ]	CV 07 1767 CAS (PJWx)
Delaware limited liability ]	
company, ]	
Plaintiff, ]	<del>PROPOSED</del> JUDGMENT AND
vs. ]	FINAL ORDER FOR PERMANENT
]	INJUNCTION
]	[Fed. R. Civ. P. 55(b)(2)]
J 2 M CONSTRUCTORS, INC., a ]	
California Corporation; AMERICAN ]	
CONTRACTORS INDEMNITY COMPANY, a ]	
California Corporation, ]	
Defendants. ]	

Plaintiff CONSTRUCTION LABORERS TRUST FUNDS FOR SOUTHERN  
 CALIFORNIA ADMINISTRATIVE COMPANY, LLC, and Defendants J 2 M  
 CONSTRUCTORS, INC., a California Corporation (EMPLOYER), and  
 AMERICAN CONTRACTORS INDEMNITY COMPANY, a California Corporation  
 (SURETY), have filed a Stipulation for Entry of Judgment and for  
 Permanent Injunction in which each party agrees to the relief  
 herein. This Judgment is entered pursuant to that Stipulation.

1. **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Judgment  
 is entered in favor of the plaintiff, CONSTRUCTION LABORERS TRUST  
 FUNDS FOR SOUTHERN CALIFORNIA ADMINISTRATIVE COMPANY, LLC

(hereinafter "ADMINCO"), administrator and agent for collection of several employee benefit plans, and a fiduciary as to those plans including the LABORERS HEALTH AND WELFARE TRUST FUND FOR SOUTHERN CALIFORNIA; CONSTRUCTION LABORERS PENSION TRUST FOR SOUTHERN CALIFORNIA; CONSTRUCTION LABORERS VACATION TRUST FOR SOUTHERN CALIFORNIA; LABORERS TRAINING AND RE-TRAINING TRUST FUND FOR SOUTHERN CALIFORNIA; FUND FOR CONSTRUCTION INDUSTRY ADVANCEMENT; CENTER FOR CONTRACT COMPLIANCE; and LABORERS CONTRACT ADMINISTRATION TRUST FUND FOR SOUTHERN CALIFORNIA, (hereinafter collectively "TRUST FUNDS"), and against EMPLOYER, as follows:

Contributions, Liquidated Damages	
and Audit Fees:	\$ 95,046.83
Interest (through November 15, 2007):	\$ <u>5,139.56</u>
Total	\$100,186.39

These amounts are due for the period through March 2007 and also include part of what is due for the period through August 2007. This judgment shall not operate as a bar, res judicata, or other limitation of any right of ADMINCO, the TRUST FUNDS and/or any constituent trust fund of the TRUST FUNDS to determine and collect any additional amounts owed by EMPLOYER to the TRUST FUNDS and/or any constituent trust fund of the TRUST FUNDS, including, but not limited to, any additional amounts due for the months after March 2007, because the past audit only covered the period through March 2007.

2. **IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED** that a permanent injunction be issued against EMPLOYER, its officers, agents, managing employees, successors, and all those in active concert or participation with EMPLOYER, as follows:

1 EMPLOYER shall deliver the following, or cause to be  
2 delivered, to the TRUST FUNDS' offices no later than 4:30 p.m., on  
3 the 20th day of each month for the duration of the AGREEMENTS  
4 commencing with its November 2007 contribution report:

5 2.1 A complete, truthful and accurate "Employers  
6 Monthly Report to Trustees" covering all employees  
7 which EMPLOYER employed who were covered by the  
8 AGREEMENTS;

9 2.2 An affidavit or declaration from a responsible  
10 officer of EMPLOYER attesting from his or her own  
11 personal knowledge under pain of perjury to the  
12 completeness, truthfulness and accuracy of the  
13 Employers Monthly Report to the Trustees; and

14 2.3 A cashier's check made payable to the Southern  
15 California Laborers Trust Funds for the full amount  
16 of the fringe benefit contributions due on  
17 Employers Monthly Reports for each account for  
18 which a report is to be submitted.

19 3. It is expressly understood by EMPLOYER that failure to  
20 comply with the permanent injunction may give rise to contempt  
21 proceedings for violation of the Court's injunction. However, if  
22 at any time EMPLOYER fails to submit a timely paid accurate  
23 Employers Monthly Report (REPORT), TRUST FUNDS will allow EMPLOYER  
24 to cure its breach of the injunction prior to seeking any further  
25 court proceedings to enforce the injunction and EMPLOYER agrees  
26 that it will pay the amounts due under the REPORT, including  
27 fringe benefits, liquidated damages and interest within 15 days of  
28 the due date of the REPORT. If after the expiration of the 15-day

1 period, EMPLOYER fails to pay the amounts due on its REPORT,  
 2 EMPLOYER will allow TRUST FUNDS to proceed with further legal  
 3 action with regard to EMPLOYER's violation of the injunction.  
 4 EMPLOYER expressly waives any defenses it may have as to the TRUST  
 5 FUNDS' right to recover payment of the liquidated damages and  
 6 interest due on the REPORTS, if payment of only the fringe  
 7 benefits is made. TRUST FUNDS however, may in their discretion,  
 8 waive a portion of those liquidated damages owed depending on if  
 9 and to what extent EMPLOYER has violated the injunction.

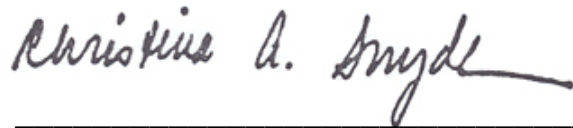
10 4. This injunction shall be effective upon entry of this  
 11 Order, and shall continue as long as EMPLOYER has an obligation  
 12 under its agreements with TRUST FUNDS to report and contribute to  
 13 the TRUST FUNDS.

14 5. This injunction shall not modify, supersede, or amend  
 15 the agreements governing the parties' relationship.

16 6. No bond is required in connection with this injunction.  
 17 **THE FAILURE OF EMPLOYER OR ANY OFFICER, AGENT, MANAGING EMPLOYEE,**  
 18 **SUCCESSOR, OR ANY PERSON OR OTHER ENTITY IN ACTIVE CONCERT OR**  
 19 **PARTICIPATION WITH ANY ONE OR MORE OF THEM, TO COMPLY WITH THIS**  
 20 **ORDER AND PERMANENT INJUNCTION ISSUED HEREBY MAY BE GROUNDS FOR**  
 21 **CONTEMPT OF COURT.**

22 SO ORDERED:

23 DATED: January 28, 2008



CHRISTINA A. SNYDER, Judge of the  
 UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

25 Submitted By:  
 26 ANDREW BIRNBAUM, Member of  
 REICH, ADELL & CVITAN  
 A Professional Law Corporation

27 /S/  
 28 ANDREW BIRNBAUM  
 Attorneys for Plaintiff